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IN THE M.P. STATE ADMINISTRATIVE TRIBUNAL,

BENCH AT - RAIPUR

BETWEEN

APPLICANT

: VINOD KUMAR TRIVEDI,
AGE - 39 YEARS
SON OF SHRI TULSI RAM SHARMA
POSTED AS - GRAM SAHAYAK
AT - BLOCK PATAN, DIST.- DURG
R/O - VILLAGE- GODPENDARI,
BLOCK - PATAN, DIST.- DURG (M.P.)

VERSUS

RESPONDENTS

- : 1. STATE OF MADHYA PRADESH
THROUGH - THE SECRETARY
MINISTRY OF SOCIAL WELFARE DEPT.
VALLABH BHAWAN, BHOPAL
2. THE COMMISSIONER,
PANCHAYAT AND SOCIAL WELFARE DEPT.
MADHYA PRADESH, BHOPAL
3. THE COLLECTOR,
DISTRICT:- DANTEWADA (M.P.)

DETAILS OF APPLICATION

1. PARTICULARS OF THE APPLICANT : As above in cause title.
2. PARTICULARS OF THE RESPONDENTS: As above in cause title.
3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS
BEING MADE :-

- i. ORDER NO. : 296/RTO. P.O. STN/99-2000
- ii. DATE : 04.10.1999 Annexure-A/7
- iii. PASSED BY : The Collector, Dist.- Dantewada.
- iv. SUBJECT IN BRIEF : By aforesaid order, dt. 4.10.99
vide Annexure-A/7 the applicant has been imposed punishment of withholding one annual grade increment with cumulative effect and limited the suspension period to the subsistence allowance only. Being aggrieved the applicant has submitted a departmental appeal against the order, dt. 4.10.99 but it has been rejected without considering the applicant, hence this application.

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W. Trivedi

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15.6.2006:- Shri R.K. Kesharwani, counsel for the petitioner. Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents. Heard both the counsel. By this petition, the petitioner has questioned legality, propriety and correctness of the order dated 4-10-99 passed by the Collector, Dantewada in departmental enquiry instituted against the petitioner whereby a penalty of withholding one annual grade increment with cumulative effect and limited the suspension period to the subsistence allowance only has been imposed. He has also questioned legality of the appellate order dated 29-2-2000 passed by the appellate authority whereby the appeal of the petitioner has been dismissed being time barred. Perusal of record shows that the order passed by the District Magistrate/Collector is wholly contrary to the report of the enquiry officer. In the conclusion of the report submitted by the Block Development Officer, Block Konta, the enquiry officer held that none of the charges levelled against the petitioner was proved, whereas, in the impugned order Annexure-A/7 dated 4-10-99 the Collector has held that as per the enquiry report, all the charges stands proved. This finding of the Collector is totally contrary to the enquiry report submitted by the enquiry officer, therefore, the order of Collector is without jurisdiction and same is contrary to the report of enquiry officer. As far as the appellate order dated 29-2-2000 whereby the appeal has been dismissed by considering time barred is concerned, an	

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	application for condonation of delay was filed, but there is no decision on the said application. For the foregoing reasons, I am of the opinion that both the orders are liable to be quashed. In the result, the petition is allowed and the order Annexure-A/7 dated 4-10-99 passed by the Collector and the order dated 29-2-2000 are quashed. Parties are entitled for certified copy of this order.	Sd/- L.C. Bhadoo Judge

22/6/08